

Senate Amendment 3235

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1 1 Amend Senate File 457 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 80F.1 PEACE OFFICER,
1 5 PUBLIC SAFETY, AND EMERGENCY PERSONNEL BILL OF RIGHTS.
1 6 1. As used in this section, unless the context
1 7 otherwise requires:
1 8 a. "Complaint" means a formal written allegation
1 9 signed by the complainant or a written statement by an
1 10 officer receiving an oral complaint stating the
1 11 complainant's allegation.
1 12 b. "Formal administrative investigation" means an
1 13 investigative process ordered by a commanding officer
1 14 of an agency or commander's designee during which the
1 15 questioning of an officer is intended to gather
1 16 evidence to determine the merit of a complaint which
1 17 may be the basis for seeking removal, discharge, or
1 18 suspension, or other disciplinary action against the
1 19 officer.
1 20 c. "Informal inquiry" means a meeting by
1 21 supervisory or command personnel with an officer who
1 22 is the subject of an allegation, for the purpose of
1 23 resolving the allegation or determining whether a
1 24 formal administrative investigation should be
1 25 commenced.
1 26 d. "Interview" means the questioning of an officer
1 27 who is the subject of a complaint pursuant to the
1 28 formal administrative investigation procedures of the
1 29 investigating agency, if such a complaint may be the
1 30 basis for seeking removal, discharge, or suspension,
1 31 or other disciplinary action against the officer.
1 32 "Interview" does not include questioning as part of
1 33 any informal inquiry or questioning related to minor
1 34 infractions of agency rules which will not result in
1 35 removal, discharge, suspension, or other disciplinary
1 36 action against the officer.
1 37 e. "Officer" means a certified law enforcement
1 38 officer, fire fighter, emergency medical technician,
1 39 corrections officer, detention officer, jailer,
1 40 communications officer, or any other law enforcement
1 41 officer certified by the Iowa law enforcement academy
1 42 and employed by a municipality, county, or state
1 43 agency.
1 44 f. "Statement" means the statement of the officer
1 45 who is the subject of an allegation in response to a
1 46 complaint.
1 47 2. This section is not applicable to a criminal
1 48 investigation of an officer.
1 49 3. A formal administrative investigation of an
1 50 officer shall be commenced and completed in a
2 1 reasonable period of time and an officer shall be
2 2 immediately notified of the results of the
2 3 investigation when the investigation is completed.
2 4 4. An officer shall not be compelled to submit to
2 5 a polygraph examination against the will of the
2 6 officer except as otherwise provided in section 730.4,
2 7 subsection 3.
2 8 5. An officer who is the subject of a complaint,
2 9 except a complaint against the officer alleging
2 10 domestic abuse, may obtain a copy of the complaint
2 11 prior to an interview pursuant to procedures
2 12 established in the applicable collective bargaining
2 13 agreement. However, if the applicable collective
2 14 bargaining agreement does not specify such procedures,
2 15 or if the officer is not covered by a collective
2 16 bargaining agreement, the officer shall be provided
2 17 with a copy of the complaint, except a complaint
2 18 against the officer alleging domestic abuse.
2 19 6. An officer being interviewed shall be advised
2 20 by the interviewer that the officer shall answer the
2 21 questions and be advised that the answers shall not be
2 22 used against the officer in any subsequent criminal
2 23 proceeding.
2 24 7. An interview of an officer who is the subject

2 25 of the complaint shall be electronically recorded.
2 26 8. The officer shall have the right to have legal
2 27 counsel or a union representative, or both, present
2 28 during the interview of the officer, at the expense of
2 29 that officer.
2 30 9. If a formal administrative investigation
2 31 results in the removal, discharge, or suspension, or
2 32 other disciplinary action against an officer, copies
2 33 of any witness statements and the investigative
2 34 agency's report shall be timely provided to the
2 35 officer, upon the request of the officer.
2 36 10. An interview shall be conducted at any
2 37 facility of the investigating agency.
2 38 11. If an interview is conducted while an officer
2 39 is off duty, the officer shall be compensated as
2 40 provided by law, or as provided in the applicable
2 41 collective bargaining agreement.
2 42 12. If a complaint is determined by the
2 43 investigating officer to be intentionally false, the
2 44 investigating officer shall be responsible for filing
2 45 the necessary paperwork with the county attorney's
2 46 office in order for the county attorney to make a
2 47 determination as to whether to charge the person with
2 48 making a false report in violation of section 718.6.
2 49 13. Except as otherwise provided by law, an
2 50 officer shall have the right to bring a civil suit
3 1 against any person, agency, organization, business, or
3 2 any other legal entity for damages, including
3 3 pecuniary damages, arising out of the filing of a
3 4 false complaint against the officer.
3 5 14. Notwithstanding any other provision of state
3 6 law to the contrary, an officer shall not be denied
3 7 the opportunity to be a candidate for any elected
3 8 office. An officer may be required, as a condition of
3 9 being a candidate, to take a leave of absence during
3 10 the campaign. If the officer is subject to chapter
3 11 341A and is a candidate for county sheriff, the
3 12 candidate, upon the candidate's request, shall
3 13 automatically be given a leave of absence without pay
3 14 as provided in section 341A.18.
3 15 15. An officer shall have the right, as any other
3 16 citizen, to engage in political activity except while
3 17 on duty. An officer shall not be required to engage
3 18 in political activity by the officer's agency, a
3 19 representative of the officer's agency, or any other
3 20 agency.
3 21 16. An officer shall not be discharged,
3 22 disciplined, or threatened with discharge or
3 23 discipline in retaliation for exercising the rights of
3 24 the officer enumerated in this section.
3 25 17. The rights enumerated in this section are in
3 26 addition to any other rights granted pursuant to a
3 27 collective bargaining agreement or other applicable
3 28 law.
3 29 18. A municipality, county, or state agency
3 30 employing an officer shall not publicly release the
3 31 officer's official photograph without the written
3 32 permission of the officer or without a request to
3 33 release pursuant to chapter 22.
3 34 19. If a formal administrative investigation
3 35 results in removal, discharge, suspension, or
3 36 disciplinary action against an officer, and the
3 37 officer alleges in writing a violation of the
3 38 provisions of this section, the municipality, county,
3 39 or state agency employing the officer shall hold in
3 40 abeyance for a period of ten days any punitive action
3 41 taken as a result of the investigation, including a
3 42 reprimand for any length of time. An allegation of a
3 43 violation of this section may be raised and given due
3 44 consideration in any properly authorized grievance or
3 45 appeal exercised by an officer, including but not
3 46 limited to a grievance or appeal exercised pursuant to
3 47 the terms of an applicable collective bargaining
3 48 agreement and an appeal right exercised under section
3 49 341A.12 or 400.20.>

